

CHARLES E. GARNER
Claimant

KITSELMAN CONSTRUCTION, LLC
Respondent

AUTO OWNERS MUTUAL
Insurance Carrier

ORDER

Claimant requests review of the August 4, 2016, Award entered by Administrative Law Judge (ALJ) Steven Roth. Roger D. Fincher of Topeka, Kansas, appeared for claimant. Matthew M. Hogan of Overland Park, Kansas, appeared for respondent and its insurance carrier (respondent).

All final orders, awards, modifications of awards, or preliminary awards under K.S.A. 44-534a, and amendments thereto, made by an administrative law judge shall be subject to review by the workers compensation appeals board upon written request of any interested party within 10 days. Intermediate Saturdays, Sundays and legal holidays shall be excluded in the time computation.

The ALJ's Award was filed on August 4, 2016. Respondent's appeal of the Award was filed by fax on August 24, 2016. K.S.A. 44-551(I)(1) requires the appeal to be filed within 10 days, excluding weekends and holidays. The deadline for respondent to file an appeal of the ALJ's Award was August 18, 2016. Because respondent's appeal was not filed within the statutorily mandated time period, the ALJ's August 4, 2016, Award is not subject to Board review.

WHEREFORE, it is the finding, decision and order of the Board that the appeal of Administrative Law Judge Steven Roth's Award dated August 4, 2016, is dismissed.

IT IS SO ORDERED.

Dated this _____ day of November, 2016.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Roger D. Fincher, Attorney for Claimant
rdfincher@ksjustice.com
debbieb@ksjustice.com
heather@ksjustice.com

Matthew M. Hogan, Attorney for Respondent and its Insurance Carrier
mhogan@swansonmidgley.com
tjohnston@swansonmidgley.com

Hon. Steven Roth, Administrative Law Judge